

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/28/2022

ANDRE MARIE NGONO,

Plaintiff,

21-CV-00095 (PGG)(SN)

-against-

ORDER

LUC OWONO, et al.,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

On February 28, 2022, the Court held a conference to discuss the status of this case.

**Service on Additional Defendants.** Plaintiff filed his Second Amended Complaint on June 28, 2021, naming additional Defendants Access Transportation, Africa Employment Agency, Luckendy Realty, Sable Hub, Inc., Travsail Agency, and Kamara Youssouf. Summons were issued on August 4, 2021, and that same day, the Clerk of Court delivered a Service Package to the U.S. Marshals Service (“USMS”) to effect service. It appears that the USMS did not serve these Defendants until January 2022. The Court has examined the Marshal’s Process Receipts and Return of Service Forms and determined that they were mistakenly dated January 21, 2021. In light of this chronology, it would not have been possible for the USMS to have served the additional Defendants in January 2021. The Court further recognizes the delay from August 4, 2021, until January 21, 2022, exceeds the 90 days permitted pursuant to Federal Rule of Civil Procedure 4(m). Because this delay was caused solely by the USMS, the Court finds good cause for the failure to serve the additional Defendants within the allotted time.

Notwithstanding these complications, Defense Counsel agrees to accept service on behalf of Defendants Sable Hub, Inc., Access Transportation Services, Inc., Travsail Agency, Inc., and Luckendy Realty. Plaintiff is, however, reminded that the failure to serve Defendants Kamara Youssouf and Africa Employment Agency could result in a dismissal of the claims against them.

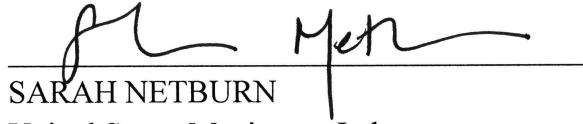
**Motion to Dismiss.** Defendant Luc Owono has moved to dismiss the complaint. On defense counsel's request, the Motion to Dismiss and Memorandum of Law at ECF Nos. 57 and 58 are amended to be brought also on behalf of Defendants Sable Hub, Inc., Access Transportation Services, Inc., Travsail Agency, Inc., and Luckendy Realty. Plaintiff's Opposition shall be filed by March 31, 2022. Defendant's reply, if any, shall be filed by April 14, 2022.

### **CONCLUSION**

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 55, which has been superseded by the motion at ECF No. 57.

The Clerk of Court is further respectfully directed to note the appearance of Joseph William Carbonaro, Esq., on behalf of Defendants Sable Hub, Inc., Access Transportation Services, Inc., Travsail Agency, Inc., and Luckendy Realty.

### **SO ORDERED.**



SARAH NETBURN  
United States Magistrate Judge

DATED:      New York, New York  
                February 28, 2022